IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.831 of 2005
MAHENDRA SINGH @ MANINDRA SINGH
Versus
STATE OF BIHAR & ANR
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7. 19.8.2008. Heard learned counsel for both the parties and perused the impugned order dated 17.8.2005 passed by SDJM, Pupri in Misc. Case No. 1 of 2002.

It appears from the record that originally opposite party no. 2 was allowed maintenance of Rs.300/- per month vide order dated 16.4.1990 which was confirmed upto to this Court. Later on, again opposite party no. 2 filed a petition before the Court of SDJM, Pupri under Section 127(1) of Cr.P.C. for enhancement of maintenance amount. Learned SDJM vide order dated 17.8.2005 enhanced the maintenance amount from Rs.300/- to Rs.1500/-.

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It is submitted on behalf of petitioner that he is no more in service and was only a salesman in Khadi Board. He is unable to pay maintenance of Rs.1500/-.

It is further submitted that 17 decimals of land has already been given to opposite party no. 2 which was transferred by her to her brother and now she is living with her brother.

On the other hand, it is submitted on behalf of opposite party no. 2 that even maintenance of Rs.1500/- is not sufficient to meet the requirement of opposite party no. 2. However, it is admitted that opposite party no. 2 has no issue and is living with her brother.

Considered the submission of learned counsel for both the parties.

Having regard to the facts and circumstances of the case, the maintenance amount granted by the Court below is hereby modified. The petitioner is directed to pay Rs.1000/- per month instead of Rs.1500/-. Accordingly this application is disposed of with the above modification in maintenance amount.

kanchan/ **(Ghanshyam Prasad, J.)**

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